Legal Aid
OF NEBRASKA

CHILD SUPPORT HANDBOOK



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CHILDREN AND FAMILIES

This Handbook was developed by Legal Aid of Nebraska, a private, non-profit law firm that provides legal services to low-income Nebraskans. If you would like more information about Legal Aid of Nebraska, or if you would like to make a donation, please visit our website at legalaidofnebraska.org.

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Table of Contents

Introduction 3
Frequently Asked Questions 4
Modification of a Child Support Order 9
How to Modify an Order 9
Filing an Application with the State 9
Filing a Complaint in Court 10
Disestablishment of paternity 10
Challenge the Acknowledgment of Paternity 11
Terminating a Child Support Order 12
Automatic Withholding 13
Where to go for help if you cannot afford an Attorney 15
Appendix A: Acknowledgement of Paternity form 17
Appendix B: Recission of Acknowledgement of Paternity 19
Appendix C: Modify Withholding 20

Important Disclaimer

Use of this informational Child Support Handbook is not intended to and does not create an attorney-client relationship between you and Legal Aid of Nebraska's attorneys. The information provided to you through this Handbook is intended for educational purposes only. Nothing in this Handbook should be considered legal advice or as a substitute for legal advice.

Please understand that the information contained in this Handbook is based upon generally applicable Nebraska law. Some laws and procedures may vary depending on which county in Nebraska you live and the specifics of your case. If you want legal advice about your specific issue, talk to an attorney in your area.

Introduction

Parents have a duty to financially support their children.[1] "Support" for a child means providing:

- Food;
- Shelter;
- Clothing;
- Education; and
- Health care.

Both parents have a legal obligation to support their child from the time of birth to the age of 19. There are some exceptions to this rule, which will be discussed below. Support for a child also includes "any other reasonable" expense necessary to raising a child.[2]

This is true whether the parents live together or apart. When parents are separated, each parent must contribute to a child's support.

The Nebraska Supreme Court has special rules for figuring out child support. The rules are called Child Support Guidelines. These Guidelines spell out how much financial support each parent must give a child when the parents are not living together. This financial support is called "child support."

One goal of the Guidelines is to give a child the lifestyle the child would have had if the parents were living together. How much each parent pays in child support depends on a number of things:

- How many children a couple has;
- How much money each parent makes; and
- How much time the children spend with each parent.

All of this information is plugged into a formula. First, the formula looks at each party's gross income. Then the formula deducts:

- taxes,
- social security contributions,
- retirement account contributions (up to 4% of a parent's income),
- health insurance premium for the parent and the child (if insured), and
- support for other children from each parent's income.

This new figure is "net income." The formula then combines the parents' net income.

[1] *See* Neb.Rev.Stat. §42-364.16
[2] Neb.Rev.Stat. §43-1716

This combined income shows on a table what support a child would receive if parents were together.

Then the formula divides the income into two percentages:

- what percent of the total income is contributed by one parent; and
- what percent of the total income is contributed by the other parent. Each parent's percent is then multiplied by the total income.

Frequently Asked Questions

Here are some answers to frequently asked questions about child support.

Q. What are earnings?

A. "Earnings" is income. "Earnings" include:

- wages;
- a salary;
- commissions;
- bonuses;
- regular payments from a pension or retirement account;
- payments made to a self-employed person; or
- any other income, except "means tested" income.[3]

Q. My only income is from welfare. Does this income count as "earnings"?

A. No. Welfare is a public benefit. The benefit is "means tested."

"Means tested" public assistance benefits do not count as "earnings." Means tested public benefits include:

- Supplemental Security Income (SSI);
- Temporary Assistance to Needy Families (TANF);
- Food stamps (SNAP);
- Medicaid; and
- General Assistance.

Q. What are disposable earnings?

A. "Disposable earnings" means your net pay. Your net pay is what you have left after legal

[3] Neb.Rev.Stat. §§42-364(1); 43-1711

deductions are taken from your pay. These "legal deductions" are:

- State taxes;
- federal taxes;
- Social Security payments;
- health insurance payments; and
- contributions to a retirement account.[4]

Q. What is an "obligor?"

A. An "obligor" is the person who is ordered to pay child support.

Q. How long does a parent have to pay child support?

A. A child becomes an adult at the age of 19, in Nebraska. A parent must support a child until the child turns 19 years old.

Q. Is every child entitled to receive support until the age of 19?

A. No. If a child "becomes" an adult before the age of 19 the child is not entitled to support. A child becomes an adult by getting married or joining the military.[5] A child also can ask a court for "emancipation." If the court grants the request, the child is then an adult.

Q. What if a child dies?

A. A parent's duty to support a child ends when a child dies. [6] However, if you owed past due child support at the time your child dies, you still have to pay that support.

Q. What is Title IV-D?

A. Title IV-D is part of the Social Security Act. Under Title IV-D the federal government gives block grants of money to states. The states use this money to help people who need some form of welfare. For example, Temporary Assistance to Needy Families (TANF). Title IV-D money also is used to pay for the costs of establishing paternity and enforcing child support orders.

Q. Why is the state involved in my child support case?

A. Probably because your child receives some form of welfare. This could include Medicaid, temporary assistance to needy families or day care. The State makes these funds available to children in need. Because it is a parent's job to support his or her children, the state wants to be paid back for the funds it gives a parent's child. To get reimbursement, the

[4] NE. Child Support Guidelines §4-205; Neb.Rev.Stat. §42-364(2); 43-1707
[5] Neb.Rev.Stat. §42-371.01
[6] Id.

state will look for support from the child's other parent.[7]

Q. My child's other parent says s/he is not receiving the child support I pay. Who is getting that money?

A. It is likely that your child is receiving some form of State welfare. If so, the State wants to get paid back for the welfare it gives your child. When a custodial parent receives welfare for a child s/he has to "sign over" his or her right to child support. The State takes part or all of the child support to cover the welfare payments, and gives the rest to the custodial parent. Your child *is* getting support, but the support is in the form of welfare.

Q. My child does not get any welfare, so why is the state involved in my case?

A. Anyone with a child can ask the state for help to get child support.[8]

Q. When is my child support payment due?

A. On the first day of each month. [9]

Q. Why does my child support order require me to provide health insurance for my child?

A. Health insurance is a form of child support. Parents must provide health insurance for their children if they can afford it.[10] If health insurance costs more than 5% of your gross income, you cannot afford it. [11]

Q. What if I cannot afford health insurance?

A. You might have to contribute to the cost of Medicaid for your child. You might have to help the other parent pay for health insurance.

Q. Are there any limits on how much a court can make me to pay in child support?

A. Yes. A court cannot enter an order for:

- support,
- child care or
- medical care

if the order will put a parent below the federal poverty level. [12]

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[7] Neb.Rev.Stat. §§43-512.01; 43-512.07
[8] Neb.Rev.Stat. §43-512.02
[9] Neb.Rev.Stat. §42-369.
[10] Neb.Rev.Stat. §§42-364.17, 42-369
[11] NE. Child Support Guidelines §4-215(C); Neb.Rev.Stat. §42-369.
[12] NE. Child Support Guidelines §4-218; Neb.Rev.Stat. §42-369.

Q. What if I cannot afford to pay the child support I am ordered to pay?

A. You may be eligible to modify your child support order. We will discuss that in a different section.

Q. What if I just don't pay the support I am ordered to pay.

A. Child support is due on the first day of each month. One day past the due date, that amount becomes a *judgment.* That means you **always** will owe that money. A judgment acts as a lien on real property. [13] That means if you sell property the money from the sale will first go to pay your child support debt. In addition, the state can suspend your driver's license, suspend a professional license, ask a court to hold you in contempt of court for failing to follow a court order, and garnish your bank account and/or wages. [14] Even if you manage to avoid all these troubles, the state can garnish your Social Security retirement and SSDI when you start receiving it.

Q. Is it a crime if I do not pay child support?

A. It can be. Under Nebraska law it is a crime if someone *intentionally* refuses, fails or neglects to provide support to a child. The parent must know or have reason to know the support order exists. It is a felony to disobey a court order to pay child support.[15]

Q. I do not have custody of my child. Do I have any rights?

A. The short answer is: "yes." Both parents have a right to get their child's school and medical records. Both parents also have the right to make decisions in a medical emergency if the child is with the parent. [16] Both parents also have the same right to custody unless a court order states otherwise. [17]

Q. I am not making any money. Why am I ordered to pay child support?

A. A basic amount of child support be ordered in every case. The rules define that basic amount as:

- $50.00 per month *or*
- 10% of a parent's income.

The court will order whichever amount is higher. [18]

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[13] Neb.Rev.Stat. §42-371
[14] Neb.Rev.Stat. §§42-371; 43-512.03; 43-512.09
[15] Neb.Rev.Stat §28-706
[16] Neb.Rev.Stat. §42-381
[17] Neb.Rev.Stat. §42-364(2).
[18] NE. Child Support Guidelines §4-209

Q. If I die does that mean my obligation to pay child support ends?

A. Not necessarily. Dying may end an ongoing obligation for support. However, if you have unpaid or past-due child support your estate will have to pay the unpaid support.[19]

Q. What if I want to establish paternity?

A. You can do that. You can file a complaint to establish paternity during a woman's pregnancy or within 4 years of a child's birth. [20]

Q. What is an "Authorized Attorney?"

A. An "authorized attorney" is an attorney who is hired by the state to work on child support cases. These attorneys file paternity cases. They also ask the court to enforce paternity orders.

Q. How did the State find me to serve me with a complaint to establish paternity?

A. Every

- state,
- city agency,
- county agency, and
- every employer in Nebraska

is required to help the State find "absent" parents.[21] This includes the Nebraska Department of Motor Vehicles and the Nebraska Department of Labor.

Q. My employer gave information about me to the State Department of Health & Human Services. Doesn't that violate my right to privacy?

A. That is a complicated question. What we can tell you is the law requires employers to give the State a lot of information about its employees.[22] We will talk more about that under the "Automatic Withholding" section.

[19] Neb.Rev.Stat. §43-513.01.
[20] Neb.Rev.Stat. §43-1411.
[21] Neb.Rev.Stat. §43-512.06.
[22] Neb.Rev.Stat. §43-1719.

Modification of a Child Support Order

Child support orders can be changed, or modified. Certain conditions have to exist before a child support order can be changed. Here are the conditions:

- Your income has changed;
- Your income has changed so that the Child Support Guidelines recommend an amount of support that is 10% different than the amount you are paying now;
- The 10% difference must amount to a dollar difference of at least $25.00 per month;
- The change in your income has lasted at least 3 months;
- It is reasonable to expect the change to last another 6 months; and
- You are not responsible for the change in your income. [23]

The last condition can be a little tricky. If someone takes a lower-paying job just ***to pay less in child support***, a court is not likely to change how much she or he pays in child support.

There is an extra rule for modifying a child support order if you are in prison.

- You can apply for modification if you are going to be in jail or prison for more than 180 days.[24]

The first thing to find out: will the change in your income change the amount of child support you owe? Here is a link to a free program you can use to figure out how much you will owe in child support:
http://www.nebraskachildsupportcalculator.com/ChildSupport/trunk/?_p=subscribeForm

How to Modify an Order

There are two ways to try and change a child support order.

- You can file an application with the Nebraska Department of Health & Human Services; or
- You can file a case in court.

Filing an Application with the State

Your request has to be in writing. There has to be a legal reason to support your request. Here is a link if you want to file an application for modification with DHHS:
http://dhhs.ne.gov/Pages/Child-Support-Review-and-Modification.aspx.
This is a link to the State's form.

[23] NE. Child Support Guidelines §4-217.
[24] Neb.Rev.Stat. §43-512.15.

The State application process will take at least 60 days and can take as long as 6 months. The State will tell your child's other parent you are asking to change child support. That parent can object to the change. You may never know what he or s/he said to the State. [25] If the State agrees that your order should be modified, the State will send your case to the county or authorized attorney to file a complaint for modification.

Filing a Complaint in Court

You can file a complaint for modification with the Court. Usually a complaint for modification "re-opens" your child support case. You cannot change the fact that you owed support in the past. You can only change what you owe in the future.

When you file a complaint you are starting a lawsuit. You will have an opponent. That means someone will be arguing against you. We do not recommend you do this on your own.

What if I am not the Child's Father?

If child support already is ordered, there are two ways you can stop an order if you are not a child's father:

- Disestablishment of paternity; or
- Challenge the Acknowledgement of Paternity (AOP).

Disestablishment of paternity

The first way is through a process called "disestablishment of paternity."[26]

To start the process you file a complaint. The complaint is filed with the court that found you are the child's father. You need DNA test results proving you are not the child's father.

You *cannot* "disestablish" paternity if you signed an "acknowledgment of paternity (AOP)."[27] An AOP is a document for parents who are not married. On the document both parents swear that the man signing the form is the child's father.[28] Sometimes people call this "signing the birth certificate." We have included a copy of an acknowledgment of paternity as **Appendix A**. You *cannot* "disestablish" paternity if you adopted a child.

You cannot "disestablish" paternity if a child was conceived through artificial insemination.

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[25] *See* Neb.Rev.Stat. §43-512.13.
[26] Neb.Rev.Stat. §43-1412.01.
[27] Neb.Rev.Stat. §43-1412.01.
[28] Neb.Rev.Stat. §43-1409.

Married and unmarried men can disestablish paternity.

A court will not change anything that happened in the past. If there was an order for support before the complaint to disestablish paternity was filed, the order of support was valid. That means any money you were ordered to pay either is money you still have to pay or will never get back.

Challenge the Acknowledgment of Paternity

The second way is to rescind or "challenge" the AOP.

The easiest way to undo an AOP is to "rescind" it, or take it back. If you want to "take back" an acknowledgment of paternity you have to:

- Use a special form (We have attached a copy of the form you would use as Appendix B);
- File the form with the Nebraska Department of Vital Statistics; and
- Do all this within 60 days of the day you signed the AOP.[29]

If 60 days already have passed, you may be able to convince a court that it should vacate the AOP. If the AOP gets vacated, it goes away. This is a complicated proceeding. You will need the help of an attorney. We recommend you hire an attorney if you want to challenge an AOP.

An AOP can be challenged and a judgment vacated for only a few reasons:

- They were based on fraud (someone lied);
- They were based on duress (someone forced another person to do something); or
- They were based on a material mistake of fact. [30]

[29] Id.
[30] Id.; Neb.Rev.Stat. § §25-2001-2008.

Terminating a Child Support Order

A child support order should end on a child's 19th birthday. [31] Usually this happens automatically. There are reasons why a child support order should end before a child's 19th birthday. Those reasons are:

- The child has died;
- The child got married; or
- The child has been "emancipated."

The Nebraska Supreme Court has the forms you need to end child support for one of these reasons. Here is a link to the website: supremecourt.nebraska.gov/self-help/families-children/child-support-termination

[31] Neb.Rev.Stat. §42-371.01.

Automatic Withholding

"Automatic withholding" is the deduction of child support from a paycheck before it gets paid. An "obligor" is someone who is required to pay child support.

The law requires automatic withholding in any case where a child receives welfare from the State of Nebraska.[32] A county or authorized attorney can get information about where people work from the Nebraska Department of Labor.[33] A county or authorized attorney also can get information about an employee from employers. If a county or authorized attorney asks, an employer has to provide this information:

- The obligor's name;
- The obligor's address;
- The obligor's Social Security Number;
- The obligor's work location;
- The number of the obligor's dependents;
- The obligor's gross and net income;
- The obligor's pay schedule; and
- Whether the employer provides the obligor with health insurance coverage. [34]

Employers have to provide this information when the State asks for it. Employers have to provide the information within 10 days of a request. They do not have a choice.

You may be able to change the amount that is being withheld from your paycheck. There are two situations that involve withholding for child support:

- where only the monthly amount you are supposed to pay is being taken from your paycheck; and
- where the monthly amount you are supposed to pay *and past due support* is being taken from your paycheck.

In the first situation, the State can take what you are ordered to pay. The ways to change the amount being taken from your paycheck are:

- file an application with the State for modification or
- file a complaint for modification in court.

See the earlier section, "**Modification of a Child Support Order**."

[32] Neb.Rev.Stat. §43-1718.01.
[33] Neb.Rev.Stat. §43-512.06.
[34] Neb.Rev.Stat. §43-1719.

In the second situation the State can take the amount you are ordered to pay *plus 65% of your total earnings* to pay for past due support.[35] Everyone who pays child support has a caseworker. If too much is being taken from your paycheck, call your caseworker. Many caseworkers are willing to work with you to lower the amount the State is taking for past due child support.[36]

If a caseworker is not willing to lower the amount being taken from your check, you can ask the court to lower the amount. You ask the court to reduce the amount being taken from your paycheck through a "motion." A "motion" is a formal request to the court. We have attached a sample motion to this handbook as Appendix C.

Your request has to be presented on paper and in court. You have a motion and then a hearing on the motion. If you need to file a motion to reduce the amount being taken from your paycheck, follow these steps:

1. Call the judge or referee's office to schedule a hearing;
2. Complete the motion, including the notice of hearing and certificate of service sections;
3. Make 2-3 copies of the motion;
4. Mail one copy to every other party;
5. Keep one copy for your records;
6. Prepare for the hearing by gathering evidence to give the court, for example, pay stubs, birth certificates of other children; a copy of your major monthly bills; and
7. Attend the hearing.

[35] 15 U.S.C. §1673(b)(2)(B)
[36] *Vea* Neb.Rev.Stat. §43-1727.

Where to go for help if you cannot afford an Attorney

You may not be able to afford to pay a lawyer to represent you in a divorce case. If so, you may be able to get free help or you may be able to file your own divorce. Some resources are:

LOW-INCOME LEGAL SERVICES

LEGAL AID OF NEBRASKA
legalaidofnebraska.org.

If you cannot afford an attorney you can call Legal Aid of Nebraska's AccessLine ® to see if you qualify for assistance. You cannot apply online. To complete an application, call:

- 402-348-1060 AccessLine ® if you live in the Douglas Co. area
- 1-877-250-2016 AccessLine® if you live outside the Douglas Co. area
- 1-800-527-7249 Elder AccessLine ® if you are 60 and over
- 1-800-729-9908 Native American AccessLine ® if you are Native American
- 1-800-464-0258 Farm Ranch Hotline for farmers and ranchers
- 1-844-268-5627 Disaster Relief Response Hotline for victims of recent disaster, such as tornado, flood or train derailment

LAW SCHOOL LEGAL CLINICS

UNIVERSITY OF NEBRASKA COLLEGE OF LAW CIVIL CLINICAL LAW PROGRAM
http://liferaydemo.unl.edu/web/law/academics/curriculum/clinics
A limited number of cases are accepted by the UNL Civil Clinical Law Program for clients in the Lincoln area. Clients are represented by students under the supervision of College of Law faculty. The telephone number is 402-472-3271.

CREIGHTON UNIVERSITY SCHOOL OF LAW LEGAL CLINIC
http://www.creighton.edu/law/clinics/civillawclinic/index.php
For Douglas County residents only. A limited number of cases are accepted by the Creighton Legal Clinic. Clients are represented by lawyers assisted by third year law students. Applications for appropriate cases are sent through Legal Aid of Nebraska

SELF-HELP RESOURCES

NEBRASKA SUPREME COURT SELF-HELP FORMS

http://court.nol.org/self-help/
The Nebraska Supreme Court has developed a form to use for terminating a child support order.

LIBRARIES

STATE LIBRARY
http://www.supremecourt.ne.gov/state-library/index.shtml
You can go to the State Library if you need access to legal resources including using the internet to do legal research. The State Library is located in room 325 at the State Capitol Building in Lincoln. The telephone number is 402-471-3189.

PUBLIC LIBRARIES

Your local public library may have some resources and public access to computers and the internet. To find your local library you can visit http://www.publiclibraries.com/nebraska.htm.
UNIVERSITY OF NEBRASKA COLLEGE OF LAW LIBRARY
http://law.unl.edu/library/

The UNL College of Law Library is located on the east campus of UNL. The Law Library has one public access computer for members of the public to conduct legal research. The general telephone number to the law school is 402-472-2161.

CREIGHTON UNIVERSITY LAW SCHOOL LIBRARY
http://www.creighton.edu/law/library/
The Creighton Law School Library has public access computers available for legal research. Reference assistance is also available. The general library telephone number is 402-280-2875. The Law Library is open to the general public with legal research needs from 7:00 a.m. to 7:00 p.m. Monday through Friday while school is in session. Hours may vary during breaks and over the summer. It is located in Omaha on the corner of 21st and Cass Streets on the second floor of the Ahmanson Law Center.

REFERRAL SERVICES

Referrals to private attorneys are available. Private attorneys may charge for their services.
Statewide:
https://www.nefindalawyer.com/

Douglas and Sarpy Counties:
http://www.omahalawyerreferral.com/
The service refers callers to private practicing attorneys in Douglas and Sarpy counties. For more information call 402-280-3603 or visit their website at:
https://www.omahabarassociation.com/

Appendix A: Acknowledgement of Paternity form

Department of Health & Human Services
DHHS
NEBRASKA

Division of Children and Family Services

ACKNOWLEDGEMENT OF PATERNITY

Paternity Establishment / Birth Certificate Amendment

Nebraska law provides for the listing of the name of the father on the birth record of a child born out of wedlock. (IF THE PARENTS LATER MARRY, A NEW BIRTH CERTIFICATE MAY BE FILED FOR THE CHILD.) Contact Vital Records for instructions. Both parents must sign this form in presence of a notary public.

SECTION I

PLEASE PRINT LEGIBLY

We hereby acknowledge that _____/_____/_____/_____
(legal name of father) First, Middle, Last, Suffix

is the biological father of: _____/_____/_____/_____
(name of child) First, Middle, Last, Suffix

born to _____/_____/_____
(legal name of mother) First, Middle, Last,

SECTION II

We, the parents, request that the child's **LAST** name be shown on the birth certificate as:

We consent to entering the name of the father on the birth certificate. ☐ Yes ☐ No

We further state that the child, mother, father's personal statistics are as follows:

CHILD'S PERSONAL STATISTICS:

Sex: ☐ Male ☐ Female	Date of Birth: (Month/Date/Year)

Location of Birth - Facility name: (If not institution, give street address)

City, Town, or Location of Birth:	County	State	Zip Code

MOTHER'S PERSONAL STATISTICS:

Maiden (Last) Name:	Social Security Number	Date of Birth (Month, Day, Year)

Current Residential Address (Number and Street)

City	State	Zip Code	Phone

FATHER'S PERSONAL STATISTICS:

Social Security Number	Date of Birth (Month, Day, Year)	
Birthplace, City	State	Or if not USA - Territory or Foreign Country

Current Residential Address (Number and Street)

City	State	Zip Code	Phone

SECTION III

Answer the following:

Name of Parent, Guardian or Agency having custody: _____

Was mother previously married? ☐ Yes ☐ No

If yes, marriage ended by (please check): ☐ Divorce ☐ Annulment ☐ Death

Date marriage ended (if divorced, give date decree became final): _____

SECTION IV

We have read and understand BOTH SIDES of this form and have received a description of the alternatives to, the legal consequences of, and rights and responsibilities of acknowledging paternity orally or through the use of video or audio equipment. We hereby declare under penalty of prosecution for providing false information under the laws of Nebraska that the information listed above is true and correct to the best of our knowledge.

Mother	Father
_____ Mother's Signature Date	_____ Father's Signature Date
Acknowledgement	Acknowledgement
State of_____, County of_____.The Foregoing instrument was acknowledged before me this_____. day of_____, _____, by_____ (Name of person acknowledged)	State of_____, County of_____.The Foregoing instrument was acknowledged before me this_____. day of_____, _____, by_____ (Name of person acknowledged)
_____(Notary Public signature)	_____(Notary Public signature)

CSE-11 Rev. 9/11 (04020)

SECTION V

Section 43-1408.01 provides that you be given the following information:

Parental Rights and Responsibilities
Signing this form is voluntary. Since this form has legal consequences, you may want to consult an attorney before signing.

If you sign this document you have taken the first step in establishing your child's legal paternity. Paternity means fatherhood. This form creates a legal rebuttable presumption of paternity. This means if a court action has begun to legally establish paternity, the court will presume the man who signed this voluntary acknowledgment is the father unless he proves he is not the father.

Either signatory may rescind this acknowledgment within 60 days of signing or at a hearing, whichever occurs first. If not rescinded, the acknowledgment will be considered a legal finding, which may be challenged in a court of law and only on the basis of fraud, duress, or material mistake of fact.

Both parents are required by law to support their child from birth. If your child does not live with you, you may be ordered by the court to pay child and medical support until the child's nineteenth (19th) birthday.

This acknowledgment may be filed in court and serve as basis for obtaining an order for support.

A parent who does not live with the child may have the right to visit the child as you both agree or as ordered by the court.

This acknowledgment may also be filed in court and serve as a basis for obtaining orders of custody and visitation.

By signing this form you are acknowledging paternity. However, your right to receive formal notification of any future adoption proceedings involving this child is NOT preserved by the signing of this form. In order to preserve your right to receive formal notice of any future adoption proceeding, you must promptly file a Paternity Claim for Notification Purposes or a Notice of Intent to Claim Paternity and Obtain Custody form with the Nebraska Department of Health and Human Services, Vital Records Management.

FOR MORE INFORMATION ABOUT ESTABLISHING PATERNITY, CONTACT THE CHILD SUPPORT ENFORCEMENT OFFICE IN YOUR COUNTY, OR YOUR LOCAL COUNTY ATTORNEY.

SECTION VI

YOU SHOULD NOT USE THIS FORM IF THE MOTHER WAS MARRIED AT THE TIME OF EITHER CONCEPTION, BIRTH OR ANYTIME BETWEEN, OR IF A FATHER IS CURRENTLY LISTED ON THE BIRTH CERTIFICATE. CONTACT VITAL RECORDS MANAGEMENT FOR INFORMATION ON HOW TO CHANGE THE BIRTH CERTIFICATE.

IF YOU DO NOT SIGN THIS FORM AT THE HOSPITAL and you want the father's name shown on the birth certificate-

(1) Both parents must sign this form in the presence of a notary public;

(2) Mail this signed and notarized form to:
Vital Records Management
P.O. Box 95065
Lincoln, NE 68509
(402) 471-2871

If birth occurred in Douglas County, mail this signed and notarized form to:
Vital Statistics Section
Douglas County Health Department
402 Civic Center
Omaha, NE 68183
(402) 444-7205

(3) Enclose $11.00 with this form.

A fee of $11.00 is charged for amending the birth record and a fee of $12.00 is charged for each certified copy requested of the amended record.

If you do NOT want the father's name added to the birth certificate but want this acknowledgment filed at Vital Records Management, do NOT enclose the $11.00 fee.

Privacy Act of 1974 Notice: Disclosure of your social security number, and the social security numbers of your child(ren), is required by federal law 42 U.S.C. 666 (a) (13). Child Support Enforcement will use these social security numbers only for the purpose of establishing and enforcing support.

CSE-11 Page 2/2

Appendix B: Recission of Acknowledgement of Paternity

RESCISSION OF ACKNOWLEDGMENT OF PATERNITY

INSTRUCTIONS: Type or print everything except your signature and sign in the presence of a notary. [Please enclose a photocopy of applicant's photo identification when submitting this form.]

This form may be used to rescind (cancel) a previously created Acknowledgment of Paternity. Either person (mother or father) who originally signed the Acknowledgment of Paternity may complete this form. When this form is properly completed and filed with the Nebraska Department of Health and Human Services, Vital Records Office, the father on the Acknowledgment of Paternity will no longer be the legal father. However, the father's name on the child's birth certificate will not be changed unless a court order is obtained and an authorized party to the order requests Vital Records to change the child's birth certificate.

This form must be completed and filed with Vital Records within the earlier of:

- 60 days from the date of the rescinding party's signature on the Acknowledgment of Paternity, or
- The date of an administrative or judicial proceeding relating to the child, including a proceeding to establish a child support order.

Section 1: Information about the Child

Child's Name (First, Middle, Last, Suffix):_____
Date of Birth (Month, Day, Year): _____ Sex: _____
Birthplace (City, County, State): _____

Section 2: Information as it Appears on the Acknowledgment of Paternity

Mother's Name (First, Middle, Last): _____ Maiden: _____
Father's Name (First, Middle, Last, Suffix):_____

Section 3: Rescinding Party's (Mother's or Father's) Information

Name (First, Middle, Last):_____
Social Security Number: _____ Date of Birth (Month, Day, Year): _____
Present Address:_____
Daytime Telephone Number: (____)_____ ext. _____

Section 4: Rescission Statement

I understand that by completing this form and filing it with Vital Records, I am rescinding the previously created Acknowledgment of Paternity for the above-named child. I understand that a court order is required to change a child's birth certificate.

_____ _____
Rescinding Party's Signature (Current Legal Name) Date

State of _____
County of _____

The foregoing instrument was acknowledged by me this ____ day of _____ 200___ by
_____

_____
(Notary Public's Signature)

Mail original form to:

Department of Health & Human Services
Vital Records
P.O. Box 95065
Lincoln, NE 68509-5065

Rev. 5-9-06; 11-30-07

Appendix C: Modify Withholding

IN THE DISTRICT COURT FOR DOUGLAS COUNTY NEBRASKA

State of Nebraska o/b/o _____ A minor child, Plaintiff, vs. _____ Defendant, vs. _____ Third-Party Defendant.	Case No.: CI _____ MOTION TO MODIFY WITHHOLDING & NOTICE OF HEARING

Pursuant to Nebraska Revised Statute Section 43-1727(1), the Defendant moves this Court for an Order reducing the amount of withholding from the Defendant's income to pay past due child support. The basis for the motion is as follows:

1. On _____ this Court ordered the Defendant to pay child support in the amount of $____.___ per month.
2. The Defendant has fallen behind on child support.
3. The State of Nebraska is garnishing the Defendant's wages in an amount that puts him below the poverty level, in violation of Rule 4-218 of the Nebraska Child Support Guidelines.
4. There is good cause to modify the order of withholding.

For these reasons, the Defendant asks this Court to enter an Order reducing the amount of withholding the State is garnishing to pay for past-due child support.

Date:

_____
Defendant's name
Defendant's street address
Defendant's city, state and zip code
Defendant's phone number

CERTIFICATE OF SERVICE

On _____, 20___, I verify that I served a true and accurate copy of this Motion and Notice of Hearing on the other parties to this litigation by depositing the same in the United States Mail, postage prepaid and addressed to:

Name Authorized Attorney 123 Main Street Omaha NE 68178	Name Third-Party Defendant's street address Third-Party Defendant's city, state, zip code.

NOTICE OF HEARING

You are notified that this motion will be heard before the Honorable _____ in Courtroom _____ of the Douglas County Courthouse. The hearing will take place at ____:____ a.m./p.m. on _____, 20___. The Courthouse is located at 1701 Farnam Street, Omaha NE 68183.

_____
(signature)